

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HASSAN CHUNN; NEHEMIAH McBRIDE;
AYMAN RABADI by his Next Friend Migdaliz
Quinones; and JUSTIN RODRIGUEZ by his Next
Friend Jacklyn Romanoff, individually and on
behalf of all others similarly situated,

Petitioners,

Civil Action No.
20-CV-1590 (Kovner, J.)

-against-

WARDEN DEREK EDGE,

Respondent.
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SUPPLEMENTAL DECLARATION OF ASSOCIATE WARDEN MILINDA KING

I, Associate Warden Milinda King, declare as follows:

1. I currently hold the position of Associate Warden for Operations at the Metropolitan Detention Center in Brooklyn, New York ("MDC Brooklyn").
2. On March 31, 2020, the Federal Bureau of Prisons ("BOP") ordered the implementation of "Phase 5 of its COVID-19 Action Plan," effective April 1, 2020 (referred to as "Phase 5"). A true and correct copy of the publicly released Phase 5 is attached as Exhibit 4. It is also publicly available online, at https://www.bop.gov/resources/news/20200331_covid19_action_plan_5.jsp.
3. In light of the BOP's directive, MDC Brooklyn has taken immediate steps to implement Phase 5 at the MDC.

4. For a fourteen (14) day period, inmates in every institution, including MDC Brooklyn, will be secured in their assigned cells/quarters to decrease the potential spread of the virus.

5. BOP guidance, however, instructs that “to the extent practicable, inmates should still have access to programs and services that are offered under normal operating procedures, such as mental health treatment and education.”

6. Accordingly, at MDC Brooklyn, inmates will periodically be released from their cells in order to shower, to have access to email, and access to the social telephones and dedicated, unmonitored phone lines that dial directly to the Federal Defenders of the Eastern and Southern Districts of New York.

7. MDC Brooklyn will also still permit inmates to make legal telephone calls, legal calls for court appearances, and legal video-teleconferences, so long as they are not symptomatic for COVID-19. MDC Brooklyn will permit inmates limited time to review discovery material outside of their assigned cells as well. These measures will be implemented to ensure inmates retain access to counsel, the courts, and their legal materials.

8. Finally, MDC Brooklyn will permit limited gathering to facilitate meal preparation in food services, laundry, and commissary access, to the extent practicable.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed on this 1st day April, 2020.


By: 
Associate Warden Milinda King
Metropolitan Detention Center, Brooklyn

Exhibit 4

COVID-19 Action Plan: Phase Five

Additional Agency-wide Actions Effective April 1



Updated 6:30 PM ET, March 31, 2020

(BOP) - Today, the Director of the Bureau of Prisons (BOP) ordered the implementation of Phase 5 of its COVID-19 Action Plan, effective tomorrow, April 1, 2020. In response to a growing number of quarantine and isolation cases in our facilities, the BOP will take the following actions immediately to further mitigate the exposure and spread of COVID-19.

- For a 14-day period, inmates in every institution will be secured in their assigned cells/quarters to decrease the spread of the virus. This modification to our action plan is based on health concerns, not disruptive inmate behavior.
- During this time, to the extent practicable, inmates should still have access to programs and services that are offered under normal operating procedures, such as mental health treatment and education.
- In addition, the Bureau is coordinating with the United States Marshals Service (USMS) to significantly decrease incoming movement during this time.
- After 14 days, this decision will be reevaluated and a decision made as to whether or not to return to modified operations.
- Limited group gathering will be afforded to the extent practical to facilitate commissary, laundry, showers, telephone, and Trust Fund Limited Inmate Computer System (TRULINCS) access.

Starting in January 2020, the BOP implemented its Pandemic Influenza contingency plan, modified as an Action Plan for COVID-19. The BOP continues to revise and update its action plan in response to the fluid nature of the COVID-19 pandemic, and in response to the latest guidance from experts at the World Health Organization (WHO), the Centers for Disease Control and Prevention (CDC) and the Office of Personnel Management (OPM).

Background on Phases 1 - 4:

Phase 4: On March 26, 2020, the BOP implemented revised preventative measures for all institutions. The agency updated its quarantine and isolation procedures to require all newly admitted inmates to BOP, whether in a sustained community transition area or not, be assessed using a screening tool and temperature check. This includes all new intakes, detainees, commitments, writ returns from judicial proceedings, and parole violators, regardless of their method of arrival. Asymptomatic inmates are placed in quarantine for a minimum of 14 days or until cleared by medical staff. Symptomatic inmates are placed in isolation until they test negative for COVID-19 or are cleared by medical staff as meeting CDC criteria for release from isolation.

These are the latest measures that follow the first three phases of the Bureau's action plan, which may be found here:

www.bop.gov/resources/news/pdfs/20200324_bop_press_release_covid19_update.pdf

The Bureau will continue to provide daily updates and information on actions related to COVID-19 at www.bop.gov/coronavirus/